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United Nations reform: measures and proposals

Draft resolution submitted by the President of the General Assembly

Strengthening and enhancing the effective functioning of the human rights treaty body system

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights[1] and relevant international human rights instruments,

Underlining the obligation that States have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially the Charter, as well as various international instruments in the field of human rights, including under international human rights treaties,

Recalling Economic and Social Council resolution 1985/17 of 28 May 1985,

Recalling its resolution 66/254 of 23 February 2012, by which it launched the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, and its resolutions 66/295 of 17 September 2012 and 68/2 of 20 September 2013, by which it extended the intergovernmental process,

Recalling also its relevant resolutions on the human rights treaty bodies,

Reaffirming that the full and effective implementation of international human rights instruments by States parties is of major importance for the efforts of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms and that the effective functioning of the human rights treaty body system is indispensable for the full and effective implementation of such instruments,

Recognizing the important, valuable and unique role and contribution of each of the human rights treaty bodies in the promotion and protection of human rights and fundamental freedoms, including through their examination of the progress

[1] Resolution 217 A (III).

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made by States parties to the respective human rights treaties in fulfilling their relevant obligations and their provision of recommendations to States parties on the implementation of such treaties,

Reaffirming the importance of the independence of the human rights treaty bodies,

Reaffirming also that the independence and impartiality of members of the human rights treaty bodies is essential for the performance of their duties and responsibilities in line with the respective treaties, and recalling the requirement that they be individuals of high moral standing serving in their personal capacity,

Recognizing that States have a legal obligation under the international human rights treaties to which they are a party to periodically submit to the relevant human rights treaty bodies reports on the measures they have taken to give effect to the provisions of the relevant treaties, and noting the need to increase the level of compliance in this regard,

Recognizing also that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing the importance of multilingualism in the activities of the United Nations, including those linked to the promotion and protection of human rights, and reaffirming the paramount importance of the equality of the six official languages of the United Nations for the effective functioning of the human rights treaty bodies,

Recognizing that the current allocation of resources has not allowed the human rights treaty body system to work in a sustainable and effective manner, and in this regard also recognizing the importance of providing, under the existing procedures of the General Assembly, adequate funding to the human rights treaty body system from the regular budget of the United Nations,

Recognizing also the importance of continued efforts to improve the efficiency of the working methods of the human rights treaty body system,

Recognizing further the importance and added value of capacity-building and technical assistance provided in consultation with and with the consent of the States parties concerned to ensure the full and effective implementation of and compliance with the international human rights treaties,

Recalling that certain international human rights instruments include provisions regarding the venue of the meetings of the committees, and mindful of the importance of the full engagement of all States parties in the interactive dialogue with the human rights treaty bodies,

Taking note of the reports of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the human rights treaty body system,[2]

Noting with appreciation the initiative and efforts of the United Nations High Commissioner for Human Rights, in the form of a multi-stakeholder consultation

[2] A/66/344 and A/HRC/19/28.

approach for reflecting on how to streamline and strengthen the human rights treaty body system,

Noting that the multi-stakeholder approach consisted of a number of meetings involving representatives of Member States, human rights treaty bodies, national human rights institutions, non-governmental organizations and academia, including events hosted by a number of Member States,

Taking note of the report of the High Commissioner on strengthening the United Nations human rights treaty body system,[3] which includes recommendations addressed to different stakeholders,

Taking note also of the report of the co-facilitators on the open-ended intergovernmental process on how to strengthen and enhance the effective functioning of the human rights treaty body system,[4]

Expressing its appreciation for the efforts of the President of the General Assembly and the co-facilitators in the framework of the intergovernmental process,

Noting the participation and contributions of Member States in the intergovernmental process, as well as experts of the human rights treaty bodies, national human rights institutions, the Office of the High Commissioner and non-governmental organizations,

Emphasizing that strengthening and enhancing the effective functioning of the human rights treaty body system is a common goal shared by stakeholders who have different legal competencies in accordance with the Charter of the United Nations and the international human rights instruments establishing treaty bodies, and recognizing in this regard the ongoing efforts of different treaty bodies towards strengthening and enhancing their effective functioning,

1. *Encourages* the human rights treaty bodies to offer to States parties for their consideration the simplified reporting procedure and to set a limit on the number of the questions included;

2. *Encourages* States parties to consider the possibility of using the simplified reporting procedure, when offered, to facilitate the preparation of their reports and the interactive dialogue on the implementation of their treaty obligations;

3. *Also encourages* States parties to consider submitting a common core document and updating it as appropriate, as a comprehensive document or in the form of an addendum to the original document, bearing in mind the most recent developments in the particular State party, and in this regard encourages the human rights treaty bodies to further elaborate their existing guidelines on the common core document in a clear and consistent manner;

4. *Decides*, without prejudice to the formulation of the annual report of each human rights treaty body as laid out in the respective treaty, that the annual reports of treaty bodies are not to contain documents published separately and referenced therein;

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[3] A/66/860.

[4] Forthcoming.

5. *Encourages* the human rights treaty bodies to collaborate towards the elaboration of an aligned methodology for their constructive dialogue with the States parties, bearing in mind the views of States parties as well as the specificity of the respective committees and of their mandates, with the aim of making the dialogue more effective, maximizing the use of the time available and allowing for a more interactive and productive dialogue with States parties;

6. *Also encourages* the human rights treaty bodies to adopt short, focused and concrete concluding observations, including the recommendations therein, that reflect the dialogue with the relevant State party, and to this end further encourages them to develop common guidelines for the elaboration of such concluding observations, bearing in mind the specificity of the respective committees and of their mandates, as well as the views of States parties;

7. *Recommends* the more efficient and effective use of the meetings of States parties, inter alia, by proposing and organizing discussions on matters related to the implementation of each treaty;

8. *Strongly condemns* all acts of intimidation and reprisals against individuals and groups for their contribution to the work of the human rights treaty bodies, and urges States to take all appropriate action, consistent with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms[5] and all other relevant human rights instruments, to prevent and eliminate such human rights violations;

9. *Encourages* the human rights treaty bodies to continue to enhance their efforts towards achieving greater efficiency, transparency, effectiveness and harmonization through their working methods, within their respective mandates, and in this regard, encourages the treaty bodies to continue to review good practices regarding the application of rules of procedure and working methods in their ongoing efforts towards strengthening and enhancing their effective functioning, bearing in mind that these activities should fall under the provisions of the respective treaties, thus not creating new obligations for States parties;

10. *Encourages* States parties to continue their efforts to nominate experts of high moral standing and recognized competence and experience in the field of human rights, in particular in the field covered by the relevant treaty, and, as appropriate, to consider adopting national policies or processes with respect to the nomination of experts as candidates for human rights treaty bodies;

11. *Recommends* that the Economic and Social Council consider replacing the existing procedure for the election of experts to the Committee on Economic, Social and Cultural Rights with a meeting of States parties to the International Covenant on Economic, Social and Cultural Rights,[6] while preserving the current structure, organization and administrative arrangement of the Committee as set forth in Council resolution 1985/17;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights to include in the documentation prepared for elections of members of human rights treaty bodies at meetings of States parties an information note on the

[5] Resolution 53/144, annex.

[6] Resolution 2200 A (XXI), annex.

current situation with respect to the composition of the treaty body, reflecting the balance in terms of geographical distribution and gender representation, professional background and different legal systems, as well as the tenure of current members;

13. *Encourages* States parties, in the election of treaty body experts, to give due consideration, as stipulated in the relevant human rights instruments, to equitable geographical distribution, the representation of the different forms of civilization and the principal legal systems, balanced gender representation and the participation of experts with disabilities in the membership of the human rights treaty bodies;

14. *Encourages* the human rights treaty bodies to develop an aligned consultation process for the elaboration of general comments that provides for consultation with States parties in particular and bears in mind the views of other stakeholders during the elaboration of new general comments;

15. *Decides*, in line with established practice with respect to other United Nations documentation, to establish a limit of 10,700 words for each document produced by the human rights treaty bodies, and further recommends that word limits also be applied for relevant stakeholders;

16. *Also decides* to establish word limits for all State party documentation submitted to the treaty body system, including State party reports, of 31,800 words for initial reports, 21,200 words for subsequent periodic reports and 42,400 words for common core documents, as endorsed by the human rights treaty bodies,[7] and calls upon the treaty bodies to set a limit on the number of questions posed, focusing on areas seen as priority issues to ensure the ability of States parties to meet the aforementioned word limits;

17. *Requests* the Secretary-General, through the Office of the High Commissioner, to support States parties in building the capacity to implement their treaty obligations and to provide in this regard advisory services, technical assistance and capacity-building, in line with the mandate of the Office, in consultation with and with the consent of the State concerned, by:

(a) Deploying a dedicated human rights capacity-building officer in every regional office of the Office of the High Commissioner, as required;

(b) Strengthening cooperation with relevant regional human rights mechanisms within regional organizations to provide technical assistance to States in reporting to human rights treaty bodies, including through the training of trainers;

(c) Developing a roster of experts on treaty body reporting, reflecting geographical distribution and gender representation, professional background and different legal systems;

(d) Providing direct assistance to States parties at the national level by building and developing institutional capacity for reporting and strengthening technical knowledge through ad hoc training on reporting guidelines at the national level;

(e) Facilitating the sharing of best practices among States parties;

[7] See HRI/MC/2006/3 and Corr.1.

18. *Underlines* the need to provide further support to States parties through, inter alia, the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, and in conjunction with the provision of technical assistance, with a focus on measures to build sustainable capacity in their activities to fulfil their treaty obligations, and encourages all Member States to contribute to the Fund;

19. *Encourages* the Office of the High Commissioner to work with the agencies, funds and programmes of the United Nations system and United Nations country teams, in line with their respective mandates and at the request of States parties, to assist States parties in fulfilling their obligations under international human rights treaties through:

(a) The provision of advisory services, technical assistance and capacity-building to States parties for the preparation of reports to human rights treaty bodies;

(b) The development of programmatic responses, in close coordination with the relevant States parties, to support their compliance with treaty obligations;

20. *Recognizes* that some States parties consider that they would benefit from improved coordination of reporting at the national level, and requests the Office of the High Commissioner to include among its technical assistance activities relevant assistance in this regard, at the request of a State party, based on best practices;

21. *Encourages* Member States to provide voluntary funds to facilitate the engagement of States parties, in particular those without representation in Geneva, with the human rights treaty bodies;

22. *Decides* in principle, with the aim of enhancing the accessibility and visibility of the human rights treaty bodies and in line with the report of the Committee on Information on its thirty-fifth session,[8] to webcast, as soon as feasible, the public meetings of the treaty bodies, and requests the Department of Public Information to report on the feasibility of providing, in all of the official languages used in the respective committees, live webcasts and video archives that are available, accessible, searchable and secure, including from cyberattacks, of relevant meetings of the treaty bodies;

23. *Requests* the Office of the High Commissioner, with the assistance of United Nations country teams through their existing videoconferencing facilities, as appropriate, to provide, at the request of a State party, the opportunity for members of its official delegation not present at the meeting to participate in the consideration of that State party's report by means of videoconference in order to facilitate wider participation in the dialogue;

24. *Underlines* the need for summary records of the dialogue of human rights treaty bodies with States parties, and in this regard decides to issue summary records in one of the working languages of the United Nations and not to translate the pending backlog of summary records, taking into account that these measures will not constitute a precedent, given the special nature of the treaty bodies, and bearing in mind the aim of providing, through alternative methods, verbatim records of the meetings of the treaty bodies in all of the official languages of the United Nations;

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[8] *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 21* (A/68/21).

25. *Decides* that a summary record of a meeting of a State party with a treaty body, at the request of any State party, shall be translated into the official language of the United Nations used by that State party;

26. *Also decides* that the allocation of meeting time to the treaty bodies will be identified in the following manner, and requests the Secretary-General to provide the corresponding financial and human resources:

(a) An allocation of the number of weeks that each treaty body requires to review the reports of States parties it can expect annually, using the average number of reports received per committee during the period from 2009 to 2012,[9] on the basis of an assumed attainable rate of review of at least 2.5 reports per week and where relevant at least 5 reports under the Optional Protocols to the human rights treaties per week;

(b) A further allocation of two weeks of meeting time per committee to allow for mandated activities, plus an allocation of additional meeting time to those committees dealing with individual communications, on the basis of each such communication requiring 1.3 hours of meeting time for review and the average number of such communications received per year by those committees;

(c) An additional margin to prevent the recurrence of backlogs is established as a target 5 per cent increase in reporting compliance allocated among the committees to address their expected workload, at the beginning of each biennium, with a temporary target increase of 15 per cent for the period from 2015 to 2017;

(d) An adequate allocation of financial and human resources to those treaty bodies whose main mandated role is to carry out field visits;

27. *Further decides* that the amount of meeting time allocated will be reviewed biennially on the basis of actual reporting during the previous four years and will be amended on this basis at the request of the Secretary-General in line with established budgetary procedures, and decides that the number of weeks allocated to a committee on a permanent basis prior to the adoption of the present resolution will not be reduced;

28. *Requests* the Secretary-General accordingly to take into account the meeting time needed in relation to the increased capacity of States parties to submit reports under the respective human rights instruments and the situation in terms of ratifications and the number of individual communications considered, based on paragraphs 26 and 27 above, in his future biennial programme budget for the human rights treaty body system, including the specific requirements for field visits by treaty bodies mandated to conduct such visits;

29. *Also requests* the Secretary-General to ensure the progressive implementation of relevant accessibility standards with regard to the treaty body system, as appropriate, particularly in connection with the strategic heritage plan being developed for the United Nations Office at Geneva, and to provide reasonable accommodation for treaty body experts with disabilities to ensure their full and effective participation;

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[9] Thereafter on the basis of the four preceding years for which data are available and for treaties for which the data on the incoming reports from the previous four years are not yet available owing to the more recent entry into force, the average will be calculated on the basis of the years from which the data are available.

30. *Decides* to allocate a maximum of three official working languages for the work of the human rights treaty bodies, with the inclusion, on an exceptional basis, of a fourth official language, when necessary to facilitate communication among the members, as determined by the committee concerned, taking into account that these measures will not constitute a precedent, given the special nature of the treaty bodies, and without prejudice to the right of each State party to interact with the treaty bodies in any of the six official languages of the United Nations;

31. *Requests* the Secretary-General to improve the efficiency of the current arrangement with regard to the travel of treaty body experts in line with section VI of resolution 67/254 of 13 April 2013;[10]

32. *Invites* States parties, as applicable and as an exceptional measure, with a view to achieving greater compliance with reporting obligations by States parties and eliminating the backlog of reports and in agreement with the relevant treaty body, to submit one combined report to satisfy its reporting obligations to the treaty body for the entire period for which reports to that treaty body are outstanding at the time of the adoption of the present resolution;

33. *Invites* the human rights treaty bodies, as an exceptional measure, and with a view to eliminating the current backlog of reports, without prejudice to the existing practices of the human rights treaty bodies or to the right of a State party to provide, or a treaty body to request, a short addendum for the purpose of reflecting significant and relevant recent national developments, to consider all State party reports which at the date of the present resolution have been submitted and are awaiting consideration to satisfy the reporting obligation of the State party concerned to the relevant treaty body until the completion of a reporting cycle starting from the time of the consideration of the report of the State party concerned;

34. *Invites* the human rights treaty bodies and the Office of the High Commissioner, within their respective mandates, to continue to work to increase coordination and predictability in the reporting process, including through cooperation with States parties, with the aim of achieving a clear and regularized schedule for reporting by States parties;

35. *Reaffirms* the importance of the independence and impartiality of members of the human rights treaty bodies, and underlines the importance of all stakeholders of the treaty body system, as well as the Secretariat,[11] respecting fully the independence of treaty body members and the importance of avoiding any act that would interfere with the exercise of their functions;

36. *Takes note* of the adoption, at the twenty-fourth annual meeting of the Chairs of the human rights treaty bodies, held in Addis Ababa from 25 to 29 June 2012, of the guidelines on the independence and impartiality of members of the human rights treaty bodies ("the Addis Ababa guidelines"),[12] which are aimed at ensuring objectivity, impartiality and accountability within the treaty body system, in full respect for the independence of the treaty bodies, and in this regard encourages the treaty bodies to implement the guidelines in accordance with their mandates;

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[10] See also ST/SGB/107/Rev.6 and A/67/995.

[11] See ST/SGB/2009/6.

[12] A/67/222 and Corr.1, annex I.

37. *Encourages* the human rights treaty bodies to continue to consider and review the Addis Ababa guidelines, inter alia, by seeking the views of States parties and other stakeholders on their development, and in this regard invites the Chairs of the treaty bodies to keep States parties updated on their implementation;

38. *Also encourages* the human rights treaty bodies, with a view to accelerating the harmonization of the treaty body system, to continue to enhance the role of their Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies among all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods;

39. *Further encourages* the human rights treaty bodies to strengthen the possibilities for interaction during the annual meetings of the Chairs of the treaty bodies with States parties to all human rights treaties, held in Geneva and New York, with a view to ensuring a forum for an open and formal interactive dialogue in which all issues, including those related to the independence and impartiality of treaty body members, may be raised by States parties in a constructive manner;

40. *Requests* the Secretary-General to submit to the General Assembly, on a biennial basis, a comprehensive report on the status of the treaty body system and the progress achieved by the human rights treaty bodies in realizing greater efficiency and effectiveness in their work, including the number of reports submitted and reviewed by the committees, the visits undertaken and the individual communications received and reviewed, where applicable, the state of the backlog, capacity-building efforts and the results achieved, as well as the situation in terms of ratifications, increased reporting and the allocation of meeting time and proposals on measures, including on the basis of information and observations from Member States, to enhance the engagement of all States parties in the dialogue with the treaty bodies;

41. *Decides* to consider the state of the treaty body system no later than six years from the date of adoption of the present resolution, to review the effectiveness of the measures taken in order to ensure their sustainability, and, if appropriate, to decide on further action to strengthen and enhance the effective functioning of the human rights treaty body system.